

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMS VOLKSWAGEN HOLDINGS, LLC and
HUDSON VALLEY VOLKSWAGEN, LLC

Case No. 13-cv-3929 (NSR)

Plaintiffs,

STIPULATION DISMISSING
REMAINING CLAIMS

- against

VOLKSWAGEN GROUP OF AMERICA, INC.,

Defendant.
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WHEREAS, Plaintiffs commenced an action in the Supreme Court of the State of New York, County of Rockland, asserting several claims against Defendant alleging violations of the New York's Franchised Motor Vehicle Dealer Act, N.Y. Veh. & Tr. L § 460 et seq. (the "Dealer Act")

WHEREAS, Volkswagen Group of America, Inc. ("VWGoA") removed this action to the United States District Court for the Southern District of New York under Index No. 13-3929 (the "Action");

WHEREAS, Plaintiffs are both New York limited liability companies that own and operate licensed and authorized Volkswagen motor vehicle dealerships.

WHEREAS, Defendant is a New Jersey corporation that is the exclusive distributor of Volkswagen new motor vehicles in the United States and operates through a network of independent authorized dealers like Plaintiffs.

WHEREAS, Defendant filed a motion to dismiss and Plaintiffs cross-moved for leave to file an amended complaint, which motions were granted in part and denied in part. The Court dismissed Palisades' price discrimination claim under Dealer Act § 463(2)(g) and Plaintiffs' claims under Dealer Act §§ 463(2)(k) and (ff) relating to certain ownership transfers (the "Dismissed Claims"). The Court allowed Plaintiffs' claims under Dealer Act § 463(2)(gg) relating to VW's sales performance standard and under Dealer Act §§ 463(2)(j) and (l) relating to certain ownership transfers to proceed (the "Surviving Claims") and to file an Amended Complaint containing the Surviving Claims.

WHEREAS, the Parties have settled the Surviving Claims and all but one of the Dismissed Claims (specifically, Palisades' price discrimination claim under Dealer Act § 463(2)(g)) and the parties wish to file a stipulation dismissing the Surviving Claims in the Amended Complaint and submit for entry a final appealable judgment.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

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DATE FILED: 11/10/2015

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the respective parties herein that the claims in the Amended Complaint are hereby dismissed with prejudice. ✓

Dated: New York, New York
November 6, 2015

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CMS Volkswagen Holdings, LLC and
Hudson Valley Volkswagen, LLC*

SO ORDERED:

U.S.D.J. / U.S.M.J.

Dated: 11/10/15 White Plains, New York